

Remarks

Claims 1-4, 7-14, 16-23 are pending in the application.

Claims 1, 2, 9, 10, 13, 16, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chan (US Patent No. 5,659,541).

The office action states that Chan teaches discriminating between inbound voice and data traffic within a single input queue at col. 3, lines 15-25, because Chan teaches data being received in the arrival buffer which can include voice or silence. Apparently, silent, non-speaking voice traffic has been interpreted as data traffic, even though it is still voice traffic.

In Chan, column 3, lines 15-18, it states, "to detect a group of low energy samples in buffer 20 (e.g., samples corresponding to a silent, non-speaking interval of talking party *speech*) and discard the samples of this group." Therefore, the reference itself refers to that data as speech, which means voice traffic. Data traffic is digital in nature, and therefore would not require A/D conversion.

Claims 1, 9 and 16 have been amended to more clearly differentiate voice traffic as being encoded data. Therefore, data traffic by default is non-encoded data, and the traffic being discarded has to be data traffic as required by this claims. In contrast, all of the data in Chan is voice encoded data, and therefore, all data in Chan is voice encoded data, since even silence is converted and sent. It is therefore submitted that claims 1, 9 and 16 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 2 depends from claim 1, claims 10 and 13 depend from claim 10, and claim 17 depends from claim 16. These claims inherently contain all of the limitations of that claim. As discussed above, the prior art does not teach, show nor suggest all of the limitations of the base claim, much less the further embodiments of the dependent claims. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 3, 4, 12 and 19-22 are rejected under 35 USC 103(a) as being unpatentable over Chan in view of Bennett (US Patent Application Pub. No. 2002/0075799).

With regard to Chan, Chan does not teach means for discriminating between voice and data traffic in claims 1, 9 and 16, as amended, discussed above, from which claims 3-4, 12, and 19-20 depend, respectively. The addition of Bennett does not overcome this deficiency, as Bennett is not directed to differentiating between voice and data traffic. Indeed, Bennett does not even mention the word 'voice' in the entire document. In Bennett, the discrimination on packet size has nothing to do with discriminating between voice and data.

As amended, claims 3, 4, 12, 19 and 20 have been amended to more clearly show that the packet size criteria is used to identify voice traffic. This is not shown, taught nor suggested by the combination of references. It is therefore submitted these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 21 has been amended to more clearly point out that voice traffic is traffic that is encoded. Therefore the traffic discarded by Chan is voice traffic, as all data in that network is encoded. Further, the discrimination of voice traffic from data traffic is made based upon packet size in Claim 22, which is not shown taught or suggested by the combination of Chan and Bennett. It is therefore submitted that claims 21 and 22 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 7, 8, 11 and 18 are rejected under 35 USC 103(a) as being unpatentable over Chan in view of Farris (US Patent No. 6,064,653).

As discussed above, Chan does not teach that freeing space is performed by discarding data traffic over voice traffic. The addition of Farris may or may not teach a user interface to allow setting of levels to define congestion, but the thresholds do not result in the discard of data traffic. Therefore the combination of references does not teach the

requirements of claims 1 and 10, much less their further features as claimed in claims 7, 8, 11 and 18. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Chan in view of Bennett and further in view of Farris (US Patent No. 6,064,653).

As discussed above, the combination of references does not teach a system in which voice traffic and data traffic are differentiated, that voice traffic is identified by packet size or arrival rate criteria, much less that a user interface is used to allow the setting of thresholds that will result in the data traffic being discarded over the voice traffic. It is therefore submitted that claim 23 is patentably distinguishable over the prior art and allowance of this claim is requested.

Conclusion

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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